

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

In re: ) Case No.: 19-50752  
JOSEPHINE REYNOLDS NICELY ) Chapter: 13  
(DECEASED) )  
 )  
 ) Judge: Rebecca Connelly  
 ) Hearing Date: February 1, 2024  
Debtor, ) Hearing Time: 9:30 AM

**NOTICE OF HEARING & DEADLINE TO FILE OBJECTION**

PLEASE TAKE NOTICE that the Co-Debtor has requested the entry an order granting the following Motion, a copy of which is attached hereto:

**MOTION FOR ORDER WAIVING THE REQUIREMENT THAT THE DEBTOR  
COMPLETE A CERTIFICATION OF COMPLIANCE.**

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion has been scheduled in the U.S. Bankruptcy Court for the Western District of Virginia as follows:

Date & Time	Location
February 1, 2024, at 09:30 A.M.	The hearing shall be held by video conference. Parties shall NOT appear in person. Any party opposing the motion or otherwise seeking to be heard should read carefully the remainder of this Notice regarding the importance of filing a response and also should join the video conference hearing using the following URL and <b>Meeting ID:</b> 160 369 2643 <b>URL:</b> <a href="https://vawb-uscourts-gov.zoomgov.com/j/1603692643">https://vawb-uscourts-gov.zoomgov.com/j/1603692643</a>

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 9013-1(M), **any party wishing to object to the Motion must file a written response to the Motion with the Court and serve such objection upon the undersigned counsel by not less than seven (7) days before the date of the hearing specified in this Notice, and that the failure to file a response by this deadline may result in the Court treating the Motion as uncontested, entering an order granting the Motion prior to the hearing, cancelling the hearing described in this Notice, and / or taking such other action as may be appropriate to further the ends of justice.**

Date: January 17, 2024,

JOSEPHINE REYNOLDS NICELY (deceased),

By: /s/ Heidi Shafer  
Counsel

Heidi Shafer (VSB No. 48765)

COX LAW GROUP, PLLC  
900 Lakeside Drive  
Lynchburg, VA 24501  
Telephone: 434-845-2600  
Facsimile: 434-845-0727  
Email: [heidi@coxlawgroup.com](mailto:heidi@coxlawgroup.com)  
Counsel for the Debtor

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2024, I filed the foregoing Notice and Motion using the CM/ECF filing system, causing service by electronic notice upon all parties requesting electronic notice, and on the same date served by First Class Mail to all creditors on the Creditor Matrix.

Dated: January 17, 2024

/s/ Heidi Shafer  
Debtor's Attorney

Heidi Shafer  
COX LAW GROUP, PLLC  
Counsel for Debtors  
900 Lakeside Drive  
Lynchburg, VA 24501

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WESTERN DISTRICT OF VIRGINIA**

In re:	)	Case No.: 19-50752
JOSEPHINE REYNOLDS NICELY	)	Chapter: 13
(DECEASED)	)	
	)	
	)	Judge: Rebecca Connelly
	)	Hearing Date: February 1, 2024
Debtor,	)	Hearing Time: 9:30 AM

**MOTION FOR WAIVER OF THE REQUIREMENT THAT THE DEBTOR  
COMPLETE A CERTIFICATION OF COMPLIANCE WITH U.S.C. §1328**

Now comes, by his attorney, Heidi Shafer, and on behalf of the deceased Debtor, Josephine Reynolds Nicely, hereby requests an order of the Court waiving the requirement that Ms. Nicely complete and file with the Court a Certification of Compliance with U.S.C. §1328, and in support thereof, states as follows:

1. The Debtor filed his petition for relief under Chapter 13 of the Bankruptcy Code on August 29, 2019.
2. The Debtor completed the credit counseling briefing and meeting of creditors required by 11 U.S.C. § 341 (a) (11).
3. On July 26, 2020, the Debtor completed an instructional course in personal financial management.
5. The Debtor, Ms. Nicely, is now deceased and is unable to sign a Certification of Compliance with U.S.C. §1328.
6. Pursuant to Bankruptcy Rule 1016, upon the death of a debtor, the Chapter 13 case may proceed to discharge as though the death or incompetency had not occurred if further administration is possible and is in the best interest of the parties.

Wherefore, Counsel prays that the Court waive the requirement that the Debtor, Ms. Josephine Reynolds Nicely, complete a Certification of Compliance with U.S.C. §1328.

Date: January 17, 2024

Respectfully Submitted,

/s/ Heidi Shafer  
Attorney for the Debtor

Heidi Shafer Bar #: 48765  
Cox Law Group, PLLC  
900 Lakeside Drive  
Lynchburg, VA 24501  
(434) 845-2600 phone  
(434) 845-0727 fax

**CERTIFICATE OF SERVICE**

I, Heidi Shafer, certify that I caused a true and correct copy of the foregoing Motion to be mailed January 17, 2024, postage prepaid, by First Class United States Mail to all creditors on the Creditors Mailing Matrix.

/s/ Heidi Shafer  
Heidi Shafer